

REMARKS

Claims 1-8 are pending in this application.

OBJECTION TO THE CLAIMS

The Office Action objects to claims 2 and 6 under 37 CFR 1.75(c) as being in improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Office Action asserts that dependent claims 2 and 6 (and apparently claims 4 and 8) are directed to method limitations while 1 and 5 are directed to an apparatus. This objection is traversed.

Applicants respectfully note that the present claims 1-4 are directed to a system. In particular, claims 1-4 are directed to a fuel cell power system. Claims 5-8 are directed to a fuel cell power apparatus. Claims 2 and 6 are directed to the configuration of the system of claim 1 (claim 2) or the configuration of the fuel power system of claim 5 (claim 6). The system/apparatus is configured such that a certain function occurs at a certain time. The configuration is a characteristic of the claimed system and apparatus. Claims 1 and 5 are not necessarily configured such that the certain function occurs at the such certain time, and are thus broader than claims 2 and 6. Thus, claims 2 and 6 further limit the subject matter of claims 1 and 5 to require such a certain function to occur at such a certain time.

Thus, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 2 and 6 under 37 CFR 1.75(c).

SECTION 102 AND 103 REJECTIONS

The Office Action rejects claims 1 and 5 under 35 U.S.C. § 102(e) as being anticipated by Arnold et al. (U.S. Patent No. 6,195,999). Somewhat similarly, the Office Action rejects claims 4 and 7 under 35 U.S.C. 103(a) as being obvious over Arnold et al. in view of Smow et al. (U.S. Patent No. 6,589,312). These rejections are traversed.

Present claims 1-4 require, *inter alia*, "...a first hydrogen storage vessel having a first hydrogen absorbing material (MH1) that can store and release hydrogen...and a second hydrogen storage vessel having a second hydrogen absorbing material (MH2) that can store and release hydrogen and **has a hydrogen release temperature that is lower than that of the first hydrogen absorbing material...**" (see claim 1, emphasis added). Present claims 5-8 require, *inter alia*, "...a first means for storing hydrogen, said means having a first hydrogen absorbing material (MH1) that can store and release hydrogen...and a second means for storing hydrogen, said second means for storing hydrogen having a second hydrogen absorbing material (MH2) that can store and release hydrogen and **has a hydrogen release temperature that is lower than that of the first hydrogen absorbing material...**" (see claim 5, emphasis added).

Arnold et al. discloses an electrochemical engine (ECE) that "comprises a storage tank containing hydrogen-retention material" (Arnold et al. column 1, lines 39-40). According to Arnold et al., in order to "further provide packaging benefits and cooling efficiencies, the ECE 10 could include two or more storage tanks, referred to as first storage tank 22 and second storage tank 22', as needed to fit the packaging space and volume requirements" (Arnold et al. column 5, lines 31-35).

However, Arnold et al. nowhere teach or suggest that the hydrogen-retention material in their first storage tank is different from the hydrogen-retention material in their second storage tank. Thus, Arnold of course cannot teach or suggest that a second hydrogen absorbing material stores and releases hydrogen and has a hydrogen release temperature that is lower than that of a first hydrogen absorbing material, as required by the present claims.

Thus, Arnold et al. is missing claimed elements of the present claims including a second hydrogen absorbing material stores and releases hydrogen and has a hydrogen release temperature that is lower than that of a first hydrogen absorbing material.

For at least these reasons, the presently claimed invention cannot be anticipated by Arnold et al.

Snow et al. fails to make up for the deficiencies. In particular, Snow et al., which disclose nanoparticles for hydrogen storage fails to teach or suggest a second hydrogen absorbing material stores and releases hydrogen and has a hydrogen release temperature that is lower than that of a first hydrogen absorbing material. Thus, the combination of Arnold et al. and Snow et al. is missing claimed elements of the present claims including a second hydrogen absorbing material stores and releases hydrogen and has a hydrogen release temperature that is lower than that of a first hydrogen absorbing material.

For at least these reasons, the presently claimed invention would not have been obvious over Arnold et al. in view of Snow et al.

For at least the above reasons, reconsideration and withdrawal of the rejections of claims 1 and 5 under 35 U.S.C. § 102(e) and of claims 4 and 7 under 35 U.S.C. 103(a) are respectfully requested.

Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Please charge any fee deficiency or credit any overpayment to Deposit Account
No. 01-2300, making reference to Attorney Docket No. 107348-00151.

Respectfully submitted,


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